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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,601	08/14/2001	Mark Manuel	199-003	1765

7590 12/29/2003

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EXAMINER

HECKENBERG JR, DONALD H

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/930,601	8-14-01	MARK MANUEL	199-003

EXAMINER	
HECKENBERG	
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This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ The communication filed 10-9-03 is informal/non-responsive for the reason(s) checked below and should be corrected. **APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.**
- a. ☐ The amendment to claim(s) _____, filed _____, fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by _____, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e. ☒ Other SEE ATTACHED PAGE
2. ☐ In accordance with applicant's request, **THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED _____ IS EXTENDED TO RUN _____ MONTH(S).**
No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (b)
3. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.
4. ☐ Other

1. The amendment document filed on October 9, 2001 is considered non-compliant because it has failed to meet the requirements of 37 C.F.R. 1.121, as amended on June 30, 2003. See 68 Fed. Reg. 38611, June 30, 2003. In order for the amendment document to be compliant, correction of the following omission is required. On the section (1.121(h)) of the amendment document containing the omission must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of Applicant's amendment document must be re-submitted.

The amendment document is non-compliant because claim 14 is not properly marked as to amended text. The original claim 14 recited:

--A tool comprising a first member having at least one groove and at least one sectioned member which is coupled to said first member and which has a flat face which overlays said at least one groove, thereby forming a cooling passage.--

Claim 14 in the amendment filed on October 9, 2001 is marked as:

--A tool made by the process of creating a first member; creating a second member; attaching said first member to said second member, thereby causing said first member to be stationary with respect to said second member; creating at least one spacer member; coupling said at least one spacer member between and to said first and second member, thereby forming a tool having a cooling passageway.

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The amendment to claim 14 is improper in that it does not identify all the new text be underlining. For example, "made by the process of creating a first member" in lines 1-2 of the claim needs to be underlined.

The amendment to claim 14 is further improper in that it does not use strikethrough to show deleted text. For example, the claim no longer recites "which has a flat face which overlays said at least one groove" in lines 3-4. Thus this text must be written as "~~which has a flat face which overlays said at least one groove~~" in the amendment.

Without the proper amendment markings, it is impossible to discern whether Applicant intended to change the scope of the claim, for example by making a product by process claim, or whether the changes were not intended as there was simply a typographical error. Therefore, the amendment is non-compliant with 37 C.F.R. 1.121 and needs to be corrected before further examination can be done.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Donald Heckenberg', is written over a horizontal line.

Donald Heckenberg

December 18, 2003